

Appl. No. 10/568,552  
Amdt. Dated: December 29, 2008  
Reply to Office action of September 29, 2008

**AMENDMENTS TO THE DRAWINGS**

The attached drawing sheets include Figures 5-7 as designated by "Background Art", and replace the original sheets which inadvertently omit such a legend.

Attachment: Replacement sheets

### **REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention.

Reconsideration of the subject patent application in view of the present remarks is respectfully requested.

New claim 8 is added.

Claims 2-7 are allowable

### ***Specification***

The abstract of the disclosure is objected to because it is too long and it also contains an extraneous word such as invention. The abstract has been amended to comply with the instructions in the Office Action. Thus, the objection as it applies to the abstract is moot. No new matter is entered by the amendment.

### ***Drawings***

The drawings are objected to because Figures 5-7 should be designated by a legend such as -Prior Art-. The drawings are amended to provide a legend -Background Art- in Figures 5-7.

MPEP §608.02(g) does not require that which is old should be designated only by -Prior Art-. - Prior Art- is an example of the legend to be designated under MPEP §608.02(g), since MPEP §608.02(g) states “Figure should be designated by a legend **such as** -Prior Art-.” Figures 5-7 are designated by a legend -Background Art-, since they are not prior arts, but background arts. Thus, the objection as it applies to the drawings is moot. No new matter is entered by the amendment.

### ***Specification***

The disclosure is objected to because the specification does not include the headings in the order as listed in 37 CFR 1.77(b) and includes headings that are not listed 37 CFR 1.77(b). The disclosure has been amended to comply with the instructions in the Office Action. Thus, the objection as it applies to the disclosure is moot. No new matter is entered by the amendment.

### ***Claim Rejections - 35 USC § 102***

Claims 1 is rejected under 35 U.S.C. 102 (b) as being anticipated by Toshio et al (JP 2002-205169; hereinafter “Toshio”).

Regarding claim 1, Toshio does not disclose a step of moving the welding torch by the actuator in a direction parting away from the member to be welded while feeding the welding wire. The Office action states that Toshio discloses the step of moving the welding torch by the recited actuator. However, the claim 1 invention not only requires moving the welding torch by the actuator, but requires moving the welding torch in a **direction** parting away from the member

to be welded **while feeding the welding wire**. In other words, according to the claim 1 invention, the welding torch is moved backward away from the member to be welded and at the same time the welding wire is fed. Such a step is not disclosed in Toshiro at all. Specifically, as shown in Figure 1 of Toshiro, during the period between (H2) and (H4) when the welding torch is moved backward, the feeding control signal Fc which represents the feeding of the welding wire is zero. This indicates that the welding wire is not fed when the welding torch is moved in a direction parting away from the member to be welded. Only when the movement of the welding torch is switched from the backward movement to the forward movement at a point (H4), the feeding of the welding wire is started (Toshiro; page 9, lines 4-2 from the bottom). Figures 4, 5, 7, 9-10, 12 and 14 of Toshiro show the same pattern or no backward movement of the welding torch. There is no disclosure in Toshiro that the welding torch is moved backward away from the member to be welded while feeding the welding wire. Therefore, since every limitation of claim 1 is not taught by the reference, claim 1 is not fully anticipated by Toshiro. Thus, withdrawal of the rejection as it applies to claim 1 is respectfully requested.

Regarding new claim 8, Toshiro does not disclose a step of feeding the welding wire while the actuator is stopped. According to the welding method of Toshiro, when the actuator is stopped (i.e., the welding torch is not moved), the welding wire is not fed. Specifically, as shown in Figures 1, 4, 5, 7, 9-10, 12 and 14 of Toshiro, when the welding start signal St which represents the movement of the welding torch is zero, the feeding control signal Fc which represents the feeding of the welding wire is also zero. There is no disclosure in Toshiro that the welding wire is fed while the actuator is stopped.


In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

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If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. NGB-39711.

Respectfully submitted,

PEARNE & GORDON LLP

By:   
Nobuhiko Sukenaga, Reg. No. 39446

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

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